

## § 28.1

## 7 CFR Ch. I (1–1–16 Edition)

### ADMINISTRATION

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CROSS REFERENCE: For regulations relating to cotton classification under cotton futures legislation, and cottonseed sold or offered for sale for crushing purposes, see parts 27 and 61 of this chapter.

SOURCE: 22 FR 10930, Dec. 28, 1957, unless otherwise noted.

## Subpart A—Regulations Under the United States Cotton Standards Act

AUTHORITY: 7 U.S.C. 55 and 61.

### DEFINITIONS

#### § 28.1 Meaning of words.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

#### § 28.2 Terms defined.

As used throughout this subpart, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *The Act*. The United States Cotton Standards Act, approved March 4, 1923 (42 Stat. 1517; 7 U.S.C. 51 *et seq.*) with such amendments as may be made from time to time.

(b) *Regulations*. Regulations mean the provisions in this subpart.

(c) *Department*. The United States Department of Agriculture.

(d) *Secretary*. The Secretary of Agriculture of the United States, or any officer or employee of the Department who has been delegated, or who may hereafter be delegated the authority to act for the Secretary.

(e) *Service*. The Agricultural Marketing Service of the U.S. Department of Agriculture.

(f) *Administrator*. The Administrator of the Agricultural Marketing Service, or any officer or employee of the Service, who has been delegated, or who may hereafter be delegated the authority to act for the Administrator.

(g) *Division*. The Cotton Division of the Agricultural Marketing Service.

(h) *Director*. The Director of the Cotton Division, or any officer or employee of the Division who has been delegated, or who may hereafter be delegated the authority to act for the Director.

(i) *Classing Office*. A facility of the Cotton Division established under the act at any point.

(j) *Quality Control Section*. The national classing supervision office at Memphis, Tennessee performing final review of cotton classification.

(k) *Cotton classer*. An employee of the Department so designated by the Director after having passed the prescribed practical cotton classing examination.

(l) *License*. A license issued under the Act by the Secretary to sample cotton.

(m) *Licensed warehouse or gin*. A cotton warehouse or gin licensed under the United States Cotton Standards Act to sample cotton.

(n) *Cotton*. The word *cotton* means cotton of any variety produced within the continental United States. In this subpart, for administrative convenience the word “cotton” is used to signify vegetable hair removed from cottonseed in the usual process of ginning.

(o) *Upland Cotton*. All cotton grown anywhere within the continental United States including the growths sometimes referred to as Upland, Gulf, and Texas cotton, but excluding American Pima growths.

(p) *Official Cotton Standards*. Official Cotton Standards of the United States for the color grade and the leaf grade of American upland cotton, the color grade and the leaf grade of American Pima cotton, the length of staple, and fiber property measurements, adopted or established pursuant to the Act, or any change or replacement thereof.

(q) *Universal standards*. The official cotton standards of the United States for the grade of American upland cotton.

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(r) *Person*. Individual, association, partnership, or corporation, or two or more individuals having a joint or common interest.

(s) *Owner*. Person who through financial interest, owns, controls, or has the disposition either of cotton or of samples.

(t) *Custodian*. Person who has possession or control of cotton or of samples, as agent, controller, broker, or factor, as the case may be.

(u) *State*. A State, Territory, or district of the United States.

(Sec. 2, Pub. Res. 72-73, 47 Stat. 1621 (7 U.S.C. 51b); sec. 3c, Pub. L. 75-28, 50 Stat. 62 (7 U.S.C. 473c))

[22 FR 10932, Dec. 28, 1957, as amended at 28 FR 10633, Oct. 3, 1963; 30 FR 6637, May 14, 1965; 42 FR 24711, May 16, 1977; 46 FR 24927, May 4, 1981; 52 FR 30880, Aug. 18, 1987; 58 FR 41993, Aug. 6, 1993; 65 FR 36600, June 9, 2000]

### ADMINISTRATIVE AND GENERAL

#### § 28.3 Director.

The Director shall perform for and under the supervision of the Secretary and the Administrator, such duties as the Secretary or the Administrator may require in enforcing the provisions of the Act and the regulations issued thereunder.

#### § 28.4 Classing offices.

Classing Offices shall be maintained at points designated by the Administrator. Requests for the review of the classification and/or comparison of cotton performed by Classing Offices may be referred to the Quality Control Section.

[52 FR 30881, Aug. 18, 1987]

#### §§ 28.5-28.6 [Reserved]

#### § 28.7 Area Director, Classing Office; responsibility.

Subject to this subpart and the instructions of the Director, the Area Director of each Classing Office shall be responsible for the proper performance of the duties imposed on such office and on the persons connected therewith. The Area Director shall be responsible for receiving all correspondence relating to the classification of cotton under the act and for providing that all samples are prepared for classi-

fication and/or comparison in such manner that the name of the owner and/or the custodian shall be unknown to the cotton classers until after the samples are classified.

[52 FR 30881, Aug. 18, 1987]

#### § 28.8 Classification of cotton; determination.

For the purposes of The Act, the classification of any cotton shall be determined by the quality of a sample in accordance with Universal Cotton Standards (the official cotton standards of the United States) for the color grade and the leaf grade of American upland cotton, the length of staple, and fiber property measurements such as micronaire. High Volume Instruments will determine all fiber property measurements except extraneous matter, special conditions and remarks. High Volume Instrument colormeter measurements will be used for determining the official color grade. Cotton classers authorized by the Cotton and Tobacco Programs will determine the presence of extraneous matter, special conditions and remarks and authorized employees of the Cotton and Tobacco Programs will determine all fiber property measurements using High Volume Instruments. The classification record of a Classing Office or the Quality Control Division with respect to any cotton shall be deemed to be the classification record of the Department.

[77 FR 20505, Apr. 5, 2012]

#### § 28.9 Inspection; sampling; classification.

The inspection, sampling, and classification of cotton in the United States pursuant to the Act shall be performed as prescribed in this subpart. Subject in general to the provisions of this subpart the Director may issue from time to time instructions for the sampling, classification, and issuance of classification memoranda for cotton classed for special programs and other Government agencies, including the review of any classification performed pursuant to §§ 28.901 through 28.919.

[58 FR 41993, Aug. 6, 1993]